

# Police, Crime, Sentencing and Courts Bill: Committee Stage, House of Lords

Parliamentary briefing – October 2021

## Summary

- The Police, Crime, Sentencing and Courts Bill provides a key opportunity to tackle child criminal exploitation (CCE) and serious youth violence.
- Children who have been criminally exploited are **victims of child abuse**, who are coerced into committing crimes. However, rather than being treated as victims, they are often unfairly criminalised. Barnardo's, alongside organisations including The Children's Society, is calling for the Bill to be amended to introduce a **statutory definition of 'child criminal exploitation'** to help identify child victims and make sure they are supported appropriately ([NC50](#)). This will help to place CCE on a similar statutory footing as child sexual exploitation.
- No one agency can tackle serious violence alone. Barnardo's welcomes Part 2, Chapter 1, introducing a new legal duty requiring local public services to work together in '*Serious Violence Partnerships*' to prevent and reduce serious violence. However, we believe this section could be strengthened by specifically including measures to prevent CCE and safeguard victims, **establishing a National Serious Violence Oversight Board** ([NC53](#)) and **requiring local Serious Violence Partnerships to publish a strategy for providing specialist training** on child criminal exploitation and serious youth violence to local multi-agency partners ([NC52](#)).

## Child criminal exploitation and serious youth violence

- **Child criminal exploitation is child abuse.** Children are trafficked, exploited and/or coerced into undertaking criminal activity, including carrying drugs or weapons. They are often threatened, blackmailed, subjected to physical, emotional or sexual abuse, and/or at risk of serious violence.
- In England and Wales, there were **44,285 police-recorded offences** involving a knife or sharp instrument and 275 murders, 23 of which were children under 18 in the 12 months to March 2021.<sup>1</sup>
- In 2019/20, of those admitted to hospital for assault by sharp object 16.2% were aged 18 or younger.<sup>2</sup>
- In 2019, the Children's Commissioner for England estimated that there were **27,000** children at high risk of gang exploitation;<sup>3</sup> and in 2020, the number of 'children in need' assessments that **identified gangs as a factor increased by 34%**.<sup>4</sup>
- In the year ending 2020, **4,946** children entered the National Referral Mechanism as victims of trafficking and exploitation in the UK – the main reason for referrals was criminal exploitation. 40% of all child referrals for criminal exploitation cited county lines.<sup>5</sup>

## About Jamie

Jamie (17) had been approached by an unknown adult on Snapchat, who had reportedly contacted him several times with the offer of work. After initially refusing, he eventually took up the offer of work due to boredom and isolation during the pandemic and provided

<sup>1</sup> ONS, February 2021. [Homicide in England and Wales](#).

<sup>2</sup> NHS Digital, 2020. [Hospital Admitted Patient Care Activity](#), 2019-20: External causes tables, 17 September 2020 and earlier editions.

<sup>3</sup> Office of the Children's Commissioner for England, 2019. [Keeping kids safe - Improving safeguarding responses to gang violence and criminal exploitation](#).

<sup>4</sup> Department for Education, 2020. [Characteristics of children in need, Reporting Year 2020](#)

<sup>5</sup> Home Office, 2020. [Modern Slavery: National Referral Mechanism and Duty to Notify Statistics](#).

his phone number to the adult and was subsequently contacted and instructed to meet a second adult. He was provided with a bike by this individual and directed to a third adult who provided him with a package containing drugs. Jamie said he was afraid of the people he had become involved with and feared refusing their instructions. He was instructed via phone calls to meet numerous individuals at different locations to deliver drugs. Between deliveries, Jamie was searched by the police and arrested. He was held in custody overnight without an offer of a phone call to his parents and interviewed the next morning. He was released under investigation for Possession with Intent to Supply. Over 6 months had passed, and Jamie and his family did not receive any communication from the Police or Children's Services about support or whether he would be charged. Jamie's parents moved house during this period as an effort to protect him. Approximately 10 months after the incident, Jamie was involved in a traffic incident whilst riding his bike. Police at the scene discovered that he was in possession of illegal drugs. Despite moving Jamie had been located by his initial traffickers and told he had accrued a 'drug debt', that he had to pay upfront or continue working for them. There seemed to be no consideration that he may have been trafficked or exploited and no referral to the National Referral Mechanism (NRM). Had a referral been submitted for assessment, it would have found that he was being exploited much earlier. A referral was finally made and he is now being supported by Barnardo's.

## NC50: Introducing a statutory definition of 'child criminal exploitation'

- Barnardo's has a long history of supporting children who have been abused and/or exploited. Many of our services support children who have been criminally exploited or impacted by serious youth violence. They report that children are still frequently being treated as criminals by agencies that come into contact with them and are not being appropriately safeguarded. One CCE Barnardo's service manager said 'our project workers are often the only people advocating and championing for a young person as a *victim* of child exploitation'.
- Children who have been criminally exploited are **often not identified or supported by services** until they are caught by the police or arrive at A&E, at which point they are often **viewed as perpetrators**.
- A definition would raise awareness of the problem amongst professionals and ensure the effective identification of children at risk with the implementation of timely and appropriate support, as they are **victims of criminal exploitation** in need of safeguarding.
- However, **responses vary significantly between local authorities and police forces**. Some have effective pathways to protect children from exploitation, however many have not. We need effective and consistent support for all children at risk.
- Barnardo's has supported and campaigned for decades for children who have been sexually abused to be seen as victims. **Children who had been sexually abused and exploited** used to be labelled as 'criminals', 'child prostitutes' and 'rent boys'. Following a Government consultation in 2016, these children are now recognised as victims due to the introduction of a definition of 'child sexual exploitation'. The same should apply to children who have been criminally exploited.
- Barnardo's, alongside The Children's Society, is calling for Part 1, Section 3 of Modern Slavery Act to be amended, in this Bill, to **introduce a statutory definition of child criminal exploitation**: "(7) Another person or persons manipulate, deceive, coerce or control the person to undertake activity which constitutes a criminal offence where the person is under the age of 18."
- This definition would:

- Create a framework to ensure children who have been exploited can access support either by being recognised as a 'child in need' or by making it easier for these children to be referred through the National Referral Mechanism (NRM).<sup>6</sup>
- Create a consistent understanding of criminal exploitation amongst public authorities, enabling them to identify and support children as victims.

## **NC52 & NC53: Ensuring Serious Violence Partnerships prioritise the safeguarding of children and young people affected by serious youth violence and criminal exploitation**

- We welcome Part 2, Chapter 1 which will **introduce a new legal duty requiring local public services to work together in 'Serious Violence Partnerships'** to tackle serious violence. This will bring together chief officers of police, specified health authorities, local authorities, probation service providers, youth offending teams and fire and rescue services to plan, prevent and reduce serious violence.
- However, as the duty currently stands, **it will not go far enough to protect and safeguard children** from serious youth violence and criminal exploitation.
- Barnardo's forthcoming report on child criminal exploitation includes findings from an FOI to Police Forces which asked how many incidents of child criminal exploitation had been recorded in their local area and how many of those children were in care or on a child protection plan. From their responses, we found:
  - Only one police force responded with data on child criminal exploitation.
  - Most said they do not collect data on CCE and manual searches of old records would take too long and be too expensive.
  - Many asked us to define which offences we wanted to count as children criminal exploitation.

We believe this **duty can be strengthened** by:

- Prioritising the safeguarding of children at risk of CCE and involved in serious violence. Each local strategy must ensure that there are clear pathways to support for children when they present to these agencies with signs of being criminally exploited. This should be on the face of the Bill with more details in the accompanying guidance.
- **NC52: Requiring local Serious Violence Partnerships to publish a strategy for providing specialist training on child criminal exploitation and serious youth violence to all specified authorities named in Chapter 1, Part 2 of this Bill.** Training professionals is crucial to identifying and safeguarding children at risk of child criminal exploitation.
- **NC53: Establishing a National Serious Violence Oversight Board.** Serious violence and child criminal exploitation inevitably cross boundaries and are not confined to one local area. A National Serious Violence Oversight Board will enable analysis on national trends and real scrutiny on what is and is not working at a national level.

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### **About Barnardo's**

Barnardo's is the UK's largest children's charity. In 2019/2020, we supported 358,800 children, young people, parents and carers, through more than 800 services and partnerships. Including services supporting children who have been criminally exploited:

**ROUTES** works with 8–18-year-olds at high risk of committing or being victims of serious violence. Most of the work is in Bristol, working with children affected by gangs. Some staff are based in Somerset working with children affected by county Lines. Staff provide one-to-

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<sup>6</sup> National Referral Mechanism was established in the [Modern Slavery Act 2015](#).

one intervention, relationship-building and a specialist response to trauma. There are also targeted group work sessions and preventative sessions for inner-city schools and pupil referral units.

The **National Counter Trafficking Service** (NCTS) supports children to cope with the practical and emotional traumas of being trafficked and help them to understand and navigate social care services, the police and immigration. Barnardo's runs the specialist **Independent Child Trafficking Guardianship Service** (ICTGS) – defined in s48 of the Modern Slavery Act 2015 and commissioned by the Home Office – in Cymru, East Midlands, West Midlands Combined Authorities, Bedfordshire, Gloucestershire, (including Bristol), Warwickshire, all London Boroughs, Hampshire and the Isle of Wight, Kent, Surrey, Essex, Greater Manchester, North & West Yorkshire, Lancashire & Merseyside.

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